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# SENATE BILL No. 327

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-2-1.1; IC 35-45-5-4.5.

**Synopsis:** Illegal Internet gambling sites. Provides that a person who knowingly operates an Internet server that provides illegal gambling or bookmaking commits a Class D felony.

**Effective:** July 1, 2002.

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January 8, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 327

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-6-2-1.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.1. The attorney  
3 general has concurrent jurisdiction with the prosecuting attorney in the  
4 prosecution of the following:

5 (1) Actions in which a person is accused of committing, while a  
6 member of an unlawful assembly as defined in IC 35-45-1-1, a  
7 homicide (IC 35-42-1).

8 (2) Actions in which a person is accused of assisting a criminal  
9 (IC 35-44-3-2), if the person alleged to have been assisted is a  
10 person described in subdivision (1) of this section.

11 (3) Actions in which a sheriff is accused of any offense that  
12 involves a failure to protect the life of a prisoner in the sheriff's  
13 custody.

14 (4) **Actions in which a person is accused of an offense under**  
15 **IC 35-45-5-4.5.**

16 SECTION 2. IC 35-45-5-4.5 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



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1, 2002]: Sec. 4.5. (a) A prosecuting attorney or the attorney general may send written notice to the last known address of a person who operates an Internet server that provides gambling or bookmaking in violation of this chapter. The notice must:

- (1) specify the illegal gambling or bookmaking activity;
- (2) state that the operator has not more than thirty (30) days from the date notice is received to remove or block the illegal gambling or bookmaking activity; and
- (3) state that failure to comply with subdivision (2) may result in the filing of criminal charges against the person.

The attorney general shall maintain a depository for the purpose of collecting, maintaining, and retaining each notice sent out under this section. A prosecuting attorney who sends a notice under this section shall forward the notice to the attorney general for deposit.

(b) A notice mailed under subsection (a):

- (1) is admissible in a criminal proceeding under this section; and
- (2) constitutes prima facie evidence that the operator had knowledge that illegal gambling or bookmaking was provided on the Internet server.

(c) A person who knowingly operates an Internet server that provides gambling or bookmaking in violation of this chapter commits a Class D felony.

(d) A person outside Indiana who transmits information on a computer network (as defined in IC 35-43-2-3) and who knows or should know that the information will be disseminated in Indiana submits to the jurisdiction of Indiana courts for prosecution under this section.

SECTION 3. [EFFECTIVE JULY 1, 2002] IC 35-45-5-4.5, as added by this act, applies to crimes committed after June 30, 2002.

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